

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
STATESVILLE DIVISION

DOCKET NO. 5:19cr53-KDB

UNITED STATES OF AMERICA)	
)	
v.)	PRELIMINARY ORDER OF
)	FORFEITURE (<i>NUNC PRO TUNC</i>)
DUSTIN CLARK LAWHON)	

THIS MATTER is before the Court on the Government's Motion for Preliminary Order of Forfeiture *Nunc Pro Tunc*. (Doc. 30).

The United States requests, pursuant to Fed. R. Crim. P. 32.2(b) and 21 U.S.C. § 853, 18 U.S.C. § 924, and 28 U.S.C. § 2461(c), that this Court enter, *nunc pro tunc*, a Preliminary Order of Forfeiture for the firearms that the United States contends were involved in the offenses in this case. For good cause shown and based on the preponderance of the evidence, this Court hereby **GRANTS** the Motion. In support of granting the Motion, the Court **FINDS AS FOLLOWS**:

This Court recently sentenced Defendant based on his plea of guilty via Plea Agreement (Doc. 18) to Counts I, II, and III of the Bill of Information (Doc. 17), respectively for: drug trafficking conspiracy in violation of 21 U.S.C. §§ 841(a)(1) and 846, possession with intent to distribute methamphetamine in violation of 21 U.S.C. § 841(a)(1), and possession of firearms in furtherance of drug trafficking in violation of 18 U.S.C. § 924(c). *See* Doc. 28. Law enforcement seized multiple firearms—identified more specifically below—in this case. Defendant consented in the Plea Agreement prior to sentencing to the forfeiture of the firearms seized, to waive any rights to notice of forfeiture, and to waive the pronouncement of forfeiture at sentencing. Further, Defendant consents to the Government's Motion.

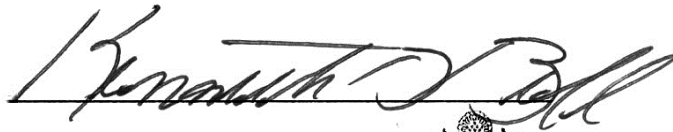
IT IS THEREFORE ORDERED, based upon Defendant's conviction and the sentencing

hearing, the United States is authorized to seize the following property, and it is hereby forfeited to the United States for disposition according to law, subject to the provisions of 21 U.S.C. § 853(n):

- **One Taurus, model PT709, 9mm handgun, serial number TGR83221 and ammunition;**
- **One Smith & Wesson, model 64, .38 revolver, serial number 7D94036 and ammunition;**
- **One Smith & Wesson, model M&P 9mm handgun, serial number DXZ9833 and ammunition; and**
- **One Sig Sauer, model P228, 9mm handgun, serial number B317277 and ammunition**

If no third party files a timely claim, this Order of Forfeiture shall become final.

Signed: January 9, 2020

A handwritten signature in black ink, appearing to read "Kenneth D. Bell", written over a horizontal line.

Kenneth D. Bell
United States District Judge

